

REMARKS

Claims 18-22, 24-39, 41, 43 and 45-55 are presently pending in this application. No claims have been amended in this paper. Therefore, claims 18-22, 24-39, 41, 43 and 45-55 remain in this application for appeal to the Board of Patent Appeals and Interferences.

This paper is being filed to submit a SECOND DECLARATION of JOHN T. WHITEHEAD UNDER § 1.132 ("Second Declaration") to augment the DECLARATION of JOHN T. WHITEHEAD UNDER § 1.132 filed on January 28, 2008 (First Declaration.) The Second Declaration was necessitated by (a) the undersigned representative's understanding that Supervising Primary Examiner Johnson agreed that the term "cured" in the pending claims met the requirements of 35 U.S.C. §112, paragraph 1, and (b) the new rejection of the pending claims under 35 U.S.C. § 112, paragraph 1, in the outstanding Office Action. The applicants respectfully request that the Second Declaration be entered in the present application.

Additionally, a Notice of Appeal was filed on the filing date of this response. Therefore, this paper does not address the rejections set forth in the outstanding Office Action.

Dated: 29 October 2008

Respectfully submitted,

By PI Parker
Paul T. Parker
Registration No.: 38,264
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-9000 (Fax)
Attorney for Applicant